

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

NOTICE OF GARNISHMENT AND EXEMPTIONS

YOUR MONEY MAY BE TAKEN TO PAY A CREDITOR.

PLEASE READ THIS NOTICE CAREFULLY

The attached Writ of Garnishment and Answers to Garnishee Interrogatories have been issued on request of a creditor (the plaintiff) who sued you and won and got a judgment against you (or a prejudgment Writ of Garnishment has been issued against you). This means that money held for you by the garnishee (such as your bank or employer) may be taken by the Plaintiff to pay a judgment against you. If you are not sued but own an account with someone who was sued, read this Notice too.

The law provides that certain monies cannot be taken to pay judgments. Such money is said to be exempt. The following is a partial list of funds that are exempt:

- * Social Security Benefits
- * Supplemental Security Income (SSI)
- * Certain Pensions
- * Unemployment Benefits
- * Public Assistance (Welfare)
- * Part of your wages (all of your wages if the Writ of Garnishment is issued prior to any judgment being rendered against you)
- * Property or money of a person who did not have a judgment entered against them.
- * Alimony or Child Support
- * Veterans' Benefits
- * Workers' Compensation benefits

There may be additional exemptions. There is no exemption solely because you are having difficulty paying your debts. The above exemptions may not apply to judgments for alimony and child support.

The law also recognizes that if the money or property that are to be taken belong to you, but the judgment is not against you, your money should not be taken.

If you are a co-owner of property that is taken, you should request a hearing to protect your share.

IF THE MONEY IN AN ACCOUNT DOES NOT BELONG TO YOU, OR IF YOU ARE AWARE OF OTHER REASONS WHY THIS MONEY SHOULD NOT BE TAKEN, YOU MAY WANT TO CONSULT AN ATTORNEY.

Because of the garnishment, your place of employment or your financial institution or other person was required to hold the amount of money claimed by the plaintiff. This means that you may not now withdraw or get this money.

If you believe that the Writ of Garnishment was issued improperly, that the Answers to Interrogatories are inaccurate, or that you are entitled to an exemption, DO THE FOLLOWING IMMEDIATELY. You have a deadline of ten (10) days from the date the plaintiff mailed or delivered this notice to you.

1. If funds in your account were garnished, on the attached "Request for Hearing" check the appropriate box(es) in paragraph one.
2. If your wages were garnished, on the attached "Request for Hearing" check the appropriate boxes in paragraph two.
3. Sign your name in the space indicated and provide the address where the Court Clerk is to notify you of the hearing.

A KNOWINGLY-MADE FALSE STATEMENT ON THE FORM MAY SUBJECT YOU TO CRIMINAL PENALTIES.

4. Mail or take the *Request for Hearing* to the Court Clerk within ten (10) days from the date this notice was mailed or delivered to you. Mail a copy of the Request for Hearing to the garnishee. Keep the second copy of the "Request for Hearing" for your records. The Clerk of Court will set the matter for hearing and notify you. You have a right to a hearing within ten (10) days from the date the Clerk of Court receives your claim. At the hearing in Court, you will have to prove that your money is exempt. You should bring any documents which may help to prove your money is exempt.

You may wish to consult an attorney for advice or assistance concerning the hearing. If you do not come to Court on the designated time and prove that the garnishment was issued improperly, that the answers to the interrogatories are inaccurate, or that your money is exempt, you may lose some of your rights.

If you do not request a hearing within the time specified above, but you believe that the garnishment was issued improperly, that the answers to interrogatories are inaccurate or that you are entitled to an exemption, you should consult an attorney. The attorney may be able to assist you by filing papers with the Court.

**APOTHECARY MOVEMENT, LLC, a Utah
limited liability company
Plaintiff,**

VS.
BH ELEGANT LINENS dba AA WHOLESALE
DEALS, and Swift Innovations
Defendant,

CIVIL NO. 2:23-cv-00845

A. ☐ I believe that the Writ of Garnishment was issued improperly. (Explain)

fd

C. ☐ The funds in my account are exempt from garnishment because they are: (Check applicable boxes):

- | | |
|--|--|
| <input type="checkbox"/> Social Security Benefits | <input type="checkbox"/> Pensions |
| <input type="checkbox"/> Supplemental Security Income (SSI) | <input type="checkbox"/> Alimony/child support |
| <input type="checkbox"/> Veterans' Benefits | <input type="checkbox"/> Public Assistance (welfare) |
| <input type="checkbox"/> Unemployment Benefits | <input type="checkbox"/> Owned by another person |
| <input type="checkbox"/> Workers' Compensation Benefits | <input type="checkbox"/> Partly owned by me |
| <input type="checkbox"/> Wages/income from personal services | |
| <input type="checkbox"/> Other (describe) _____ | |

D. Check one box:

- ☐ All funds in my account are exempt.
- ☐ I believe that \$ _____ of the amount in my account is exempt. (Fill in the dollar amount you believe is exempt.)

E. Check if applicable

- ☐ I claim ownership of all or part of the money or property taken and I am not one of the persons against whom a judgment has been entered.

F. Check if applicable

- ☐ I have attached copies of the documents that show that my money is exempt.

II. **Respond to these items if all or part of your wages were garnished.**

- A. ☐ I believe that the writ of garnishment was issued improperly. (Explain)

- B. ☐ I believe that the Answers to Interrogatories are inaccurate. (Explain)

- C. ☐ I believe that all or part of my wages are exempt from garnishment. (Explain)_____

THE STATEMENTS MADE IN THIS REQUEST ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND I HEREBY REQUEST THAT THIS MATTER BE SET FOR A HEARING. I HAVE SENT A COPY OF THIS REQUEST FOR HEARING TO THE GARNISHEE.

DATED THIS _____ DAY OF _____, 20____.

*(Please
type or
print)*

Name: _____

Address: _____

Telephone: _____

Signature: _____

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

INTERROGATORIES TO GARNISHEE
(Not for earnings for personal services)

Bank of America

Garnishee Name

APOTHECARY MOVEMENT, LLC, a Utah limited liability company vs
BH ELEGANT LINENS dba AA WHOLESALE DEALS, a
New Jersey Company, and SWIFT INNOVATIONS

Case Title

2:23-cv-00845

Case Number

(Give your answers in the spaces provided and attach additional sheets if necessary.)

1. Are you indebted to the Defendant(s) either in property or money?

ANSWER: _____

2. What is the nature of the indebtedness?

ANSWER: _____

3. What is the total amount of the indebtedness?

ANSWER: \$ _____

4. Is the indebtedness now due?

ANSWER: _____

5. If not, when is it to become due?

ANSWER: _____

6. Have you in your possession, in your charge or under your control any property or money in which Defendant(s) has (have) an interest other than as set forth in your answers above?

ANSWER: _____

7. If so, identify or describe such property or money and value of defendant's interest in it.

ANSWER: _____

Identification
or Description

Amount or Value of
Defendant's Interest

8. Do you know of any debts owing or which may be owing from any other person to Defendant(s) whether due or not, or of any property of Defendant(s) or in which Defendant(s) has (have) an interest in any person's possession or control?

ANSWER: _____

9. If so, state the full particulars thereof, including the amount, identification of any Third Party with interest, and description of the debt and/or location of the custodian.

ANSWER: _____

10. Have you retained or deducted from the property or money you owe in debt to Defendant any amount in payment, whether full or in part, of a debt owed in debt to you by either the Defendant or Plaintiff?

ANSWER: _____

11. If so, please indicate the amount so retained or deducted and the person indebted for whom the amount has been retained or deducted.

ANSWER: _____

Signature of Garnishee

STATE OF UTAH)

:

COUNTY OF)

I do swear or affirm that: I am the garnishee or person authorized to execute this document;

I make this verification on behalf of garnishee; and the answers to the foregoing interrogatories are true to the best of my knowledge and belief.

I also swear or affirm that I mailed by first class mail or hand-delivered a copy of the Writ of Garnishment, Answers to Interrogatories, Notice of Garnishment and Exemptions, and two (2) copies of a Request for Hearing, to the Defendant at:

Defendant's name: BH ELEGANT LINENS dba AA WHOLESALE DEALS, a New Jersey company, and Swift Innovations

Street address: 55 Talmage Road

City: Edison **State:** NJ **Zip:** 08817

on this date: _____

I also swear or affirm that I also mailed by first class mail or hand-delivered one copy each of the Writ of Garnishment, Answers to Interrogatories, Notice of Garnishment and Exemptions, and Request for Hearing to the following person(s).

<u>Name</u>	<u>Address</u>	<u>Date Mailed</u>	<u>or</u>	<u>Date Hand-Delivered</u>
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_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Signature of Garnishee or Authorized
Signature on Behalf of Garnishee

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____

(SEAL)

NOTARY PUBLIC

Residing at: _____

My Commission Expires on _____